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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,229	10/20/2003	Philip O. Gerard	LAC03 P320	4066

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EXAMINER

BELLINGER, JASON R

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/689,229	Applicant(s) GERARD, PHILIP O.	
	Examiner Jason R. Bellinger	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6-13,16,18,20,22-32 and 35 is/are rejected.
- 7) ☒ Claim(s) 2,4-5,14-15,17,19,21,33,36-41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claim 16 is objected to because of the following informalities: The term "a" should be replaced with the term --the-- prior to the term "wheel" in the last line of claim 16, for grammatical clarity. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 3, 18, 20, 26-27, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Spiegel et al. Spiegel et al shows a composite wheel 14 having an outer surface, a plurality of exposed apertures 38 formed in a circular pattern in a central hub region 34 of the wheel, and a centrally located hub aperture 36 extending through the wheel 14. A wheel cladding 16, with a body that substantially conforms to the outer surface of the wheel 14, has an exposed outer surface and an inner surface facing the wheel 14 when the wheel cladding 16 is attached to the wheel 14.

The wheel cladding 16 includes at least one alignment tab 28 extending from the inner surface for engaging the hub aperture 36 and aligning the cladding 16 with respect to the hub aperture 36. At least one support post 30 extends from the inner surface of the cladding 16 proximate the hub aperture 36 to structurally support the wheel cladding 16 with respect to the wheel 14. The support post 30 would structurally support the wheel cladding 16 with respect to the wheel 14 from any type of axially directed loads

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applied to the wheel cladding 16, such as loads applied substantially adjacent the hub aperture during wheel balancing.

There is a plurality of support posts 30 radially spaced about the hub aperture 36 when the cladding 16 is attached to the wheel 14 (namely one support post 30 per aperture 38).

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 6-13, 16, 22-25, and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spiegel et al in view of Van Houten et al. Spiegel et al contains all of the limitations as set forth in paragraph 5 above, and further discloses that a center cap member covers the hub aperture 36 (see column 5, lines 16-19). Spiegel et al however does not specify the structure of the center cap member.

Van Houten et al teaches the use of a wheel 20 having a cladding member 60 covering the outer surface of the wheel 20. A cap member 80 is located within, and operably connected to, a centrally located aperture of the wheel cladding 60. The cap member 80 is operably connected to the wheel cladding 60 by a snap-fit connection. This snap-fit connection is obtained by a plurality of engagement tabs 82 that engages the inner surface 72 of the wheel cladding 60. Each engagement tab 82 includes a shoulder that engages the inner surface 72 of the wheel cladding 60.

Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the wheel cladding of Spiegel et al with a cap member of the configuration taught by Van Houten et al, for the purpose of protecting the entire outer surface of the wheel assembly (including the hub aperture), thus preventing damage to the outer surface of the wheel and preventing debris from entering the hub aperture.

Allowable Subject Matter

6. Claims 2, 4-5, 14-15, 17, 19, 21, 33, and 36-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 30 May 2006 have been fully considered but they are not persuasive. The Applicant argues that the peripheral flange (aka support post) 30 of Spiegel is axially spaced from the outer surface of the wheel, and thus does not structurally support the wheel cladding with respect to the wheel. However, it should be noted that the peripheral flange (aka support post) 30 of Spiegel does structurally support the wheel cladding 16 with respect to the wheel 14 by providing a clamping force that locates (i.e. supports) the cladding 16 with respect to the wheel 14 in the radial direction. Therefore, Spiegel meets the limitations of the claims.

8. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, The Applicant argues that there is no suggestion to provide the wheel cladding of Spiegel with a hubcap operably connected to the cladding, stating that neither reference "actually set forth such motivation in and of themselves." However, as set forth in paragraph 5 above, Spiegel states that the hub aperture 36 will be covered by a hubcap (see column 5, lines 16-19). Therefore, while not setting forth specific structure for the hubcap, Spiegel explicitly states that it is desirable for a hubcap to be used with the wheel cladding.

The Applicant then further argues that the hubcap of the Van Houten et al reference is incompatible with the wheel cladding of Spiegel. First, it should be noted that the two references were not literally combined. Second, Van Houten teaches the use of a common and well known type of hubcap. One of ordinary skill in the art at the time of the invention would have found it obvious to modify the snap-fit connection portion of the hubcap of Van Houten to engage the axially inner end of the alignment tab 28 of Spiegel.

Conclusion

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Bellinger whose telephone number is 571-272-6680. The examiner can normally be reached on Mon - Thurs (9:00-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason R Bellinger
Primary Examiner
Art Unit 3617



8/2/06